

Notice of Allowability

Application No.

09/939,447

Examiner

Nguyen Ngo

Applicant(s)

SHARMA ET AL.

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/16/2006.
2. ☒ The allowed claim(s) is/are 1-4, 8, 9, and 13-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

This communication is in response to the special amendment of 6/16/2006. All changes made to the Claims have been entered. Accordingly, Claims 1-4, 8, 9, and 13-25 are currently pending in the application.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Mehrle on 7/5/2006.

The application has been amended as follows:

2. -Claim 1, line 3, the phrase "wherein the" has been changed to -- said --, and "becomes" to --becoming--.
3. -Claim 8, line 4, the phrase "wherein the" has been changed to --, said --, and "are represented as four bits and are" to --being represented as four bits and --.

4. -Claims 10-12 has been cancelled.
5. -Claim 13, line 5, the phrase "wherein the" has been changed to -- said--, and "is" to --being--.
6. -Claim 16, line 4, the phrase "wherein the" has been changed to -- said --, and "becomes" to --becoming--.
7. -Claim 21, line 6, the phrase "wherein the" has been changed to --said --, and "is" to --being--.
8. -Claim 23, line 5, the phrase "wherein the" has been changed to --said --, and "is" to --being--.

Allowable Subject Matter

9. Claims 1-4 and 8, 9, and 13-25 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

10. Claims 1, 8, 13, 16, 21, and 23 are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly disclose **having the QoS code becoming part of the IP address and using four bits of the IP address to represent the QoS code.** It is noted that the closest prior art, Jin et al. (US 6917617) discloses a method for use of precedence bits for quality of service. However

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the stated prior art fails to disclose or render obvious to the above underline limitations as claimed.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nguyen Ngo
United States Patent & Trademark Office
Patent Examiner AU 2663


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER

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(571) 272-8398